United Nations A/64/PV.108

General Assembly
Sixty-fourth session

Official Records

108th plenary meeting

Wednesday, 28 July 2010, 10 a.m.
New York

President: Mr. Ali Abdussalam Treki ..... (Libyan Arab Jamahiriya)

In the absence of the President, Mr. Mohamed (Maldives), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 112 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(i) Appointment of the Under-Secretary-General for Internal Oversight Services

Note by the Secretary-General (A/64/873)

The Acting President: Members will recall that the Assembly, in its resolution 48/218 B of 29 July 1994, decided to establish an Office of Internal Oversight Services under the authority of the Secretary-General, the head of which would be at the rank of Under-Secretary-General.

By that resolution, the Assembly further decided that the Under-Secretary-General for Internal Oversight Services should be an expert in the fields of accounting, auditing, financial analysis and investigations, management, law or public administration and should be appointed by the Secretary-General, following consultations with Member States, and approved by the General Assembly. For this purpose, the Secretary-General should appoint the Under-Secretary-General for Internal Oversight Services with due regard for geographic rotation and in so doing should be guided by the provisions of paragraph 3 (e) of resolution 46/232 of 2 March 1992, in which the Assembly decided, in particular, that as a general rule no national of a Member State should succeed a national of that State in a senior post and that there should be no monopoly on senior posts by nationals of any State or group of States. The Assembly also decided that the Under-Secretary-General for Internal Oversight Services should serve for one fixed term of five years without possibility of renewal and may be removed by the Secretary-General only for cause and with the approval of the General Assembly.

In light of the provisions of resolution 48/218 B, the Secretary-General proposes to appoint Ms. Carman Lapointe of Canada as Under-Secretary-General for Internal Oversight Services for one fixed term of five years beginning on 13 September 2010 and ending on 12 September 2015.

May I take it that it is the wish of the General Assembly to approve this appointment?

It was so decided.

The Acting President: I call on those representatives who wish to speak on this matter.

Mr. Edrees (Egypt): I have the honour to speak on behalf of the Group of African States on the consideration by the General Assembly of the appointment of Ms. Carman Lapointe of Canada as Under-Secretary-General for Internal Oversight Services for one fixed term of five years to succeed Ms. Inga-Britt Ahlenius of Sweden, whose term of office ended this month.

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The establishment of the Office of Internal Oversight Services (OIOS) in 1994 under resolution 48/218 B aimed at strengthening accountability and oversight functions within the United Nations. OIOS has an essential role to play in improving internal control accountability mechanisms and organizational efficiency and effectiveness, in accordance with its mandate as set out in the relevant General Assembly resolutions.

The African Group recalls paragraph 19 of resolution 64/232 on the report of the activities of the OIOS adopted in December 2009 (A/64/326 (Part I)), urging the Secretary-General to "ensure that timely arrangements are made to find a successor in full conformity with the provisions of paragraph 5 (b) of resolution 48/218 B".

As mentioned in the related note of the Secretary-General (A/64/873), paragraph 5 (b) of resolution 48/218 B stated that

> "the Under-Secretary-General for Internal Oversight Services shall be appointed by the Secretary-General, following consultations with Member States, and approved by the General Assembly. For this purpose, the Secretary-General shall appoint the Under-Secretary-General for Internal Oversight Services with due regard for geographic rotation and in so doing shall be guided by the provisions of paragraph 3 (e) of Assembly resolution 46/232 of 2 March 1992, in which the Assembly decided, in particular, that as a general rule, no national of a Member State should succeed a national of that State in a senior post and that there should be no monopoly on senior posts by nationals of any State or group of States."

Based on that text, the said resolution gave the South the opportunity to assume this post, taking into consideration the fact that the previous Under-Secretary-General holding this position was from the North. Approving the current nomination will mean that, out of four Under-Secretaries-General for that position, three have been from the North. In our view, that does not fulfil the principle of geographic rotation stipulated in the resolution establishing OIOS, in particular, and the standing practice in the United Nations as a whole.

In this regard, the African Group, which is underprivileged and underrepresented in senior positions within the United Nations system, believed that it had a strong claim to that position. The Group also expected that more time would be allowed for consultations with and within the regional groups, particularly when, at this time, most African permanent representatives have not returned yet from Kampala after participating in the fifteenth ordinary session of the Assembly of the African Union.

The African summit in Kampala reaffirmed the instructions to the African Group in New York to work towards addressing the issue of African underrepresentation in senior positions at the United Nations. The Chair of the African Group, Egypt, clearly expressed this position during the meeting of the Secretary-General with the Chairs of the regional groups, informing them of his choice of the new Under-Secretary-General for Internal Oversight Services. Egypt, as the Chair of the African Group, wishes today to reiterate and reaffirm that same position.

We truly believe in the importance of keeping unity and a positive spirit of agreement within the United Nations, especially at this time of serious global challenges, in the light of our confidence in the leadership of the Secretary-General, our understanding of the particular circumstances of the case at hand despite the clear provisions of the related resolution, and out of our belief that the Member States under the leadership of the President of the General Assembly and the Secretariat under the leadership of the Secretary-General are effectively in the same boat. If it navigates smoothly, we will all be safe, but if it is shaken, we will all be endangered.

The African Group went with the consensus on the approval by the General Assembly of the appointment by the Secretary-General of Ms. Lapointe as the new Under-Secretary-General for Internal Oversight Services. We wish her success during her tenure in this important and critical position in the United Nations and express our confidence that she has the high qualities necessary to carry out the responsibilities and mandates of that position to the fullest. We will cooperate with her to the benefit of the United Nations and all its Member States.

On the other hand, the African Group highlights the need in the near term for African candidates to find their way to and their fair share in senior positions within the United Nations system. In this regard, we

request the Secretary-General to look into ways and means to correct the current imbalance in the near future. Furthermore, geographical rotation is not solely an African issue and should be respected when it comes to the South as a whole. In this regard, we expect that the next appointment to Under-Secretary-General for Internal Oversight Services will be allocated to the South for two consecutive terms, or compensated for in other senior-level positions.

Mr. Benítez Versón (Cuba) (*spoke in Spanish*): The Office of Internal Oversight Services has an important role to play in the work of the United Nations. With respect to the post of Under-Secretary-General for Internal Oversight Services, Cuba believes that resolution 48/218 B of 29 July 1994 is very clear. Appointment to that post must take geographical rotation duly into account.

Cuba regrets the fact that the important principle of geographical rotation has not been duly taken into account in this opportunity, although we did not oppose the appointment of Ms. Carman Lapointe. In reiterating the importance of compliance with the provisions of resolution 48/218 B, we hope that today's appointment will not set a precedent for the future.

I conclude by wishing every success to the new Under-Secretary-General for Internal Oversight Services in her new tasks.

The Acting President: The Assembly has thus concluded this stage of its consideration of sub-item (i) of agenda item 112.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

The Acting President: Members will recall that the General Assembly concluded its consideration of sub-item (e) of agenda item 111 at its 35th plenary meeting on 3 November 2009.

In order to enable the General Assembly to consider sub-item (e) of agenda item 111, it will be necessary to reopen its consideration.

May I take it that it is the wish of the General Assembly to reopen consideration of sub-item (e) of agenda item 111?

It was so decided.

Agenda item 111 (*continued*)

Elections to fill vacancies in principal organs

(e) Election of twenty-nine members of the Governing Council of the United Nations Environment Programme

Letter dated 22 July 2010 from the Permanent Representative of Croatia to the United Nations addressed to the President of the General Assembly (A/64/869)

The Acting President: The Assembly will now proceed to a by-election to elect one member of the Governing Council of the United Nations Environment Programme under sub-item (e) of agenda item 111.

Members will recall that, at its 35th plenary meeting on 3 November 2009, the General Assembly elected 29 members of the Governing Council of the United Nations Environment Programme for a term of office beginning on 1 January 2010 and ending on 31 December 2013.

I would like to draw the attention of members to document A/64/869 containing a letter dated 22 July 2010 from the Permanent Representative of Croatia to the United Nations, announcing that Croatia would like to relinquish its seat on the Governing Council of the United Nations Environment Programme as of 31 December 2010 for the remaining term in favour of Belarus.

As a result, a vacancy will occur and a new member must therefore be elected to fill the unexpired term of office of Croatia, commencing on 1 January 2011 and expiring on 31 December 2011.

In accordance with paragraph 1 of resolution 2997 (XXVII) of 15 December 1972, and taking into account that the vacancy will occur from among the Eastern European States, the new member should therefore be elected from that region. The President has been informed that the Group of Eastern European States has endorsed Belarus as the candidate for the vacancy.

As members are aware, in accordance with rule 92 of the rules of procedure, all elections shall be held by secret ballot and there shall be no nominations. However, I should like to recall paragraph 16 of General Assembly decision 34/401, whereby the practice of dispensing with the secret ballot for elections to subsidiary organs when the number of

candidates corresponds to the number of seats to be filled should become standard, unless a delegation specifically requests a vote on a given election.

In the absence of such a request, may I take it that the Assembly decides to proceed to the election on that basis?

It was so decided.

The Acting President: May I therefore take it that the Assembly wishes to declare Belarus elected a member of the Governing Council of the United Nations Environment Programme for a term of office beginning on 1 January 2011 and expiring on 31 December 2011?

It was so decided.

The Acting President: I congratulate Belarus on its election as a member of the Governing Council of the United Nations Environment Programme.

The Assembly has thus concluded this stage of its consideration of sub-item (e) of agenda item 111.

Agenda item 48 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Draft resolution (A/64/L.63/Rev.1*)

The Acting President: Members will recall that the General Assembly held the debate on agenda item 48 jointly with agenda items 114, 120 and 121 at its 47th plenary meeting on 16 November 2009, as well as jointly with agenda item 114 at its 88th plenary meeting on 20 May 2010. Members will also recall that, under agenda items 48 and 114, the Assembly adopted resolutions 64/184 and 64/291 at its 66th and 107th plenary meetings on 21 December 2009 and 16 July 2010, respectively, and decision 64/555 at its 82nd plenary meeting on 15 April 2010.

I now give the floor to the representative of the Plurinational State of Bolivia to introduce draft resolution A/64/L.63/Rev.1*.

Mr. Solón (Plurinational State of Bolivia) (*spoke in Spanish*): Allow me to begin my introduction of draft resolution A/64/L.63/Rev.1* by recalling that human beings are basically made of water. Approximately two thirds of our bodies is composed of water; 75 per cent of our brains is water, and water is the main vehicle for the electrochemical transmissions within our bodies. Our blood circulates throughout our bodies like water flowing in a network of rivers. The water in our blood helps transport nutrients and energy throughout our bodies. Water also carries away waste products excreted by our cells. Water helps regulate body temperature. The loss of 20 per cent of the body's water can lead to death. We can survive for several weeks without food, but we cannot survive more than a few days without water. Water, without a doubt, is life.

That is why, today, we introduce this historic draft resolution for the consideration by the General Assembly at this plenary meeting. The following States are sponsors of the draft resolution: Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Benin, the Plurinational State of Bolivia, Burkina Faso, Burundi, the Central African Republic, Congo, Cuba, Dominica, the Dominican Republic, Ecuador, El Salvador, Eritrea, Fiji, Georgia, Guinea, Haiti, Madagascar, Maldives, Mali, Mauritius, Nicaragua, Nigeria, Paraguay, Saint Vincent and the Grenadines, Samoa, Saint Lucia, Saudi Arabia, Serbia, Seychelles, Solomon Islands, Sri Lanka, Timor-Leste, Tuvalu, Uruguay, Vanuatu, the Bolivarian Republic of Venezuela and Yemen.

The right to health was originally recognized in 1946 by the World Health Organization. In 1948, the Universal Declaration of Human Rights declared, among other rights, the right to life, the right to education and the right to work. In 1966, the International Covenant on Economic, Social and Cultural Rights recognized, among other rights, the right to social security and the right to an adequate standard of living, including adequate food, clothing and housing.

However, the human right to water has gone without full recognition despite the existence of clear references to such a right in several international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

The sponsors of the draft resolution present it today to ensure that the human right to water and sanitation at a time when diseases caused by the lack of

safe drinking water and sanitation result in more deaths than any war. Each year, more than 3.5 million people die from diseases transmitted by contaminated water. Diarrhoea ranks second in the causes death among children under five years of age. Lack of access to safe drinking water kills more children than AIDS, malaria and smallpox combined. Approximately one in eight people around the world does not have safe drinking water. In a single day, women spend more than 200 million hours collecting and transporting water for their homes.

The situation resulting from the lack of sanitation is worse still, affecting as it does some 2.6 billion people, which is equivalent to 40 per cent of world population. In her report, the independent expert on safe drinking water and sanitation, who made an important contribution to the draft resolution and who will contribute further to its implementation, states:

> "Sanitation, more than many other human rights issue, evokes the concept of human dignity; consider the vulnerability and shame that so many people experience every day when, again, they are forced to defecate in the open, in a bucket or a plastic bag. It is the indignity of this situation that causes the embarrassment." (*A/HRC/12/24, para. 55*)

The vast majority of diseases in the world are caused by fecal matter. It is estimated that sanitation could reduce the number of child deaths from diarrhoea by more than two thirds. At any given moment, half of the world's hospital beds are taken up by patients suffering from diseases linked to the lack of access to safe drinking water and sanitation.

Human rights did not come into being as fully developed concepts; they are the fruit of a constructive process shaped by reality and experience. For example, the human rights to education and to work, which are enshrined in the Universal Declaration of Human Rights, were built up and fleshed out over time with the International Covenant on Economic, Social and Cultural Rights and other international instruments. A similar process will take place with the human right to water and sanitation.

We therefore welcome and endorse the provision under the paragraph 3 of the draft resolution that the independent expert should continue working on all aspects of her mandate and report to the General Assembly on the principal challenges related to the realization of the human right to safe and clean drinking water and sanitation and their impact on the achievement of Millennium Development Goals.

The world summit on the Millennium Development Goals is drawing ever nearer, and we must send a very clear signal to the world that access to safe drinking water and sanitation is a human right and that we are going to do everything possible to achieve that goal in the five short years we have left.

Hence the importance of the paragraph 2 of the draft resolution, which calls upon States and international organization to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all.

There is a heart to every resolution. And the heart of this draft resolution is in its paragraph 1. Throughout the numerous informal consultations, we sought to accommodate the various concerns of Member States, leaving aside issues that are not crucial to this draft resolution and always striving to strike a balance without losing the essence of the draft resolution.

The right to drinking water and sanitation is a human right essential to the full enjoyment of life. Safe drinking water and sanitation are not only principal elements or components of other rights, such as the right to an adequate standard of living. The rights to safe drinking water and sanitation are independent rights, which must be recognized as such. It is not enough to urge States to fulfil their human rights obligations relating to access to drinking water and satiation. It is necessary to call on States to promote and protect the human right to safe drinking water and sanitation.

Once again, in the spirit of always transparently seeking a broad understanding, and without losing our perspective on the very essence of the draft resolution, on behalf of the sponsors we wish to propose an oral revision to the paragraph 1, in which the term "declare" should be replaced by "recognize".

Before the Assembly proceeds to consider the draft resolution, I should like to draw the attention of all delegations to the fact that, according to the 2009 report of the World Health Organization and UNICEF

entitled "Diarrhoea: Why children are still dying and what can be done", every day 24,000 children die in developing countries from causes that could be prevented such as diarrhoea caused by contaminated water. This means that a child dies every three and a half seconds. One, two, three. As they say in my country, now is the time.

The President: We shall now proceed to consider draft resolution A/64/L.63/Rev.1*. Before giving the floor to speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made from delegations from their seats.

Mr. Wittig (Germany): Some 884 million people worldwide lack access to safe drinking water, and over 2.6 million people do not have access to basic sanitation. Every year, around 2 million people die from diseases caused by unsafe water and sanitation — most of them small children.

Germany is committed to the realization of the Millennium Development Goals, including that of reducing by half by 2015 the proportion of people without sustainable access to safe drinking water and sanitation. Germany is one of the main proponents of the right to access to safe drinking water and sanitation. We consider access to safe drinking water and sanitation to be a component of the right to an adequate standard of living recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights, alongside food, housing and others. This is the reason why we took the initiative, together with Spain, to create the mandate of an independent expert on human rights obligations related to access to safe drinking water and sanitation in the Human Rights Council in Geneva. And this is the reason why we shall vote in favour today.

We regret that consensus on this text could not be achieved and that a vote has been called for, thus introducing an element of division on a very important issue. Some Member States have also voiced concern about the possible effect of the draft resolution on the Geneva process. We do not share this assessment, but see the draft resolution rather as a complement to the ongoing important process on water and sanitation in Geneva.

The text of the draft resolution before us is a compromise. We would have appreciated it if the resolution had taken into account more of the proposals made by the European Union during the negotiations. We would have appreciated a clearer message on the primary responsibility of States to ensure the realization of human rights for all those living under their jurisdiction, complemented, if needed, by external support coming from the region or other parts of the world.

However, the draft resolution contains an important recognition of the ongoing process on water and sanitation in the Human Rights Council in Geneva and the work of the independent expert in particular. The draft resolution encourages her to continue working on her mandate to clarify the content of the human rights obligations related to access to safe drinking water and sanitation.

We also welcome the flexibility of Bolivia, as the main sponsor, to meet the concern of some Member States, including Germany, on paragraph 1.

To conclude, Germany invites delegations to continue to actively support and participate in the Geneva process in order to understand the full human rights dimension of access to safe drinking water and sanitation and the obligations linked to the provision and protection of both. Germany engages itself to continue this process in the open, transparent and inclusive way that has marked the mandate since its inception.

Mr. Oyarzun (Spain) (*spoke in Spanish*): Spain would have wished that the suggestions and alternative texts presented by the European Union, first by Spain as a rotating President of the European Union and then by the current Belgian Presidency, had been taken into account by the delegation of Bolivia. In this respect, Spain regrets the fact that, first of all, almost none of these suggestions have been included in the final text of the draft resolution and that, predictably, we will not achieve a consensual adoption of the draft resolution. A consensus is crucial if there is to be an effective guarantee of any initiative that the United Nations may carry out with respect to human rights.

In particular, I would like to refer now to paragraph 1 of the draft resolution. In this regard, Spain welcomes the oral revision presented by Bolivia whereby the word "declares" would be replaced by the word "recognizes". This amendment introduced by Bolivia, which we highly welcome, creates a stronger link between the draft resolution and the work of the independent expert, whose ultimate objective is to

conclude that this right exists and to invest it with substance.

In any case, Spain would like to give an explicit interpretation of the content of paragraph 1. For Spain, as for Germany, water and sanitation are two components of the right to an adequate standard of living, recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights. In this respect, my delegation firmly supports the content of General Comment No. 15 of the Committee for Economic, Social and Cultural Rights and the report on this matter presented by the independent expert, Ms. De Albuquerque, to the Human Rights Council in September 2009 concerning the human rights obligations related to access to sanitation (A/HRC/12/24).

Spain regrets in particular that the proposal to include a paragraph 1 bis that would expressly reference the work of the independent expert on this matter has not been taken into consideration.

With respect to paragraph 2, Spain would like to clarify that its wording creates open confusion by not pointing out, as the sixth preambular paragraph does, that the responsibility to promote and protect all human rights falls upon States themselves.

Despite that, Spain acknowledges the important role that is played by technical assistance and cooperation for development in helping developing countries improve access to drinking water and sanitation for their populations. We should recall that Spain has, in the Spanish Agency for International Development Cooperation within the Ministry of Foreign Affairs and Cooperation, a water and sanitation fund for Latin America, of which Bolivia is the second greatest beneficiary.

Having said this, the delegation of Spain would like to announce that we will vote in favour of the draft resolution.

Mrs. Horváth Fekszi (Hungary): Hungary attaches great importance to access to safe drinking water and sanitation, which is closely connected to the realization of such fundamental rights as the right to life and human dignity. We consider access to safe drinking water and sanitation to be a component of the right to an adequate standard of living. Those are the main reasons why we shall vote in favour of the draft resolution, despite the concerns we have regarding the text and the way it was negotiated.

I wish to emphasize that Hungary fully supports the mandate of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, which was established in March 2008 by the Human Rights Council. We are convinced that the process initiated in Geneva by two States members of the European Union should be the one to clarify the content of human rights obligations related to access to safe drinking water and sanitation. We are determined to support the Independent Expert in her endeavours.

For the aforementioned reasons we deem it unfortunate for the General Assembly to declare a human right to water and sanitation, since in our view the draft resolution before us prejudges the outcome of the Geneva process. We are convinced that the overall aims of the Geneva process would be better served if this draft resolution were adopted by consensus. We would also have appreciated it had proposals by interested delegations, including those of the European Union, been more positively considered. We regret that the text as it stands provokes division among Member States, in spite of the fact that we are all aware of the importance of access to safe drinking water and sanitation. We firmly believe that this text could have been further improved and that it could have been the object of consensus.

Before I conclude, allow me to reiterate the important role of the Geneva process and to encourage all Member States to participate in it actively and constructively.

Mr. Sammis (United States of America): The United States is deeply committed to finding solutions to our world's water challenges. We support the goal of universal access to safe drinking water. Water and sanitation issues will also be an important focus at September's Millennium Development Goal summit. The United States is committed to working with our development partners to build on the progress they have already made in these areas as part of their national development strategies.

Water is essential for all life on Earth. Accordingly, safe and accessible water supplies further the realization of certain human rights, and there are human rights obligations related to access to safe drinking water and sanitation.

The United States supports the work of the Human Rights Council's Independent Expert on the

issue of human rights obligations related to access to safe drinking water and sanitation. In fact, we joined in sponsoring Human Rights Council resolution 12/8, on human rights and access to safe drinking water and sanitation, last September in Geneva. We look forward to receiving the next report of the Independent Expert. We also look forward to a more inclusive, considered and deliberative approach to these vital issues in Geneva than we have unfortunately experienced on draft resolution A/64/L.63/Rev.1* in New York.

Let me add that these concerns are not alleviated by the fact that just this morning we have seen a revision made, from the floor, to what the lead sponsor viewed as the core operative paragraph of the draft resolution. This, again, is an imposition on all of us who have not had sufficient time to really consider the implications of this. I think that it would have been far better, under the circumstances, not to bring this draft resolution forward for action today.

The United States had hoped to negotiate and ultimately join consensus on a text that would uphold and support the international process under way at the Human Rights Council. Instead, we have here a draft resolution that falls far short of enjoying the unanimous support of Member States and that may even undermine the work under way in Geneva. This draft resolution describes a right to water and sanitation in a way that is not reflective of existing international law, as there is no right to water and sanitation in an international legal sense as described by the draft resolution.

The United States regrets that this draft resolution diverts us from the serious international efforts under way to promote greater coordination and cooperation on water and sanitation issues. The draft resolution attempts to take a short cut around the serious work of formulating, articulating and upholding universal rights. It was not drafted in a transparent, inclusive manner, and the legal implications of a declared right to water have not yet been carefully and fully considered in this body or in Geneva.

For those reasons, the United States has called for a vote on this draft resolution and will abstain.

Mrs. Dunlop (Brazil): Brazil recognizes the human right to water and sanitation as a right that is intrinsically connected to the realization of the rights to life, to physical integrity, to health, to food and to adequate housing. It is the responsibility of States to guarantee those rights to their citizens. We consider that the human right to water and sanitation is compatible with the principle of the sovereign right of States to use their own water resources, as reflected in the 1992 Rio Declaration on Environment and Development.

Brazil has been developing technical cooperation projects aiming at promotion of access to water in countries where water resources are scarce, focusing in particular on low-income communities. Brazil supports the efforts of Catarina de Albuquerque, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, aimed at clarifying the nature and content of the obligations associated with the right to water and sanitation.

We would like to recall that the treaty-based and non-treaty-based bodies of the United Nations human rights system are based in Geneva. For that reason, the Human Rights Council is the appropriate forum for discussion of this subject in a more objective and better-informed manner. But Brazil today will support draft resolution A/64/L.63/Rev.1*.

Mr. Şen (Turkey): My delegation wishes to explain its vote before the vote on draft resolution A/64/L.63/Rev.1*. On 28 March 2008 the Human Rights Council adopted by consensus its resolution 7/22, entitled "Human rights and access to safe drinking water and sanitation", in which the Council established the mandate of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. On 1 October 2009, the Council adopted by consensus a second resolution, Human Rights Council resolution 12/8, on the same subject. The Independent Expert has been working on the issue of the human rights obligations of States related to access to safe drinking water and sanitation. The issue is before the Human Rights Council, and there is an ongoing process. Therefore, that Council should have been allowed to continue its work on this important, but also complex, issue.

The draft resolution before us prejudges the outcome of the ongoing work of the Council and prevents its further deliberations.

In view of what I have said, Turkey will abstain in the voting on draft resolution A/64/L.63/Rev.1*, entitled "The human right to water and sanitation".

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/64/L.63/Rev.1*, entitled "The human right to water and sanitation", as orally revised. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Finland, France, Gabon, Georgia, Germany, Ghana, Grenada, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Portugal, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Tuvalu, United Arab Emirates, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe

Against:

None

Abstaining:

Armenia, Australia, Austria, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Greece, Guyana, Iceland, Ireland, Israel, Japan, Kazakhstan, Kenya, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Poland, Republic of Korea, Republic of Moldova, Romania, Slovakia, Sweden, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zambia

Draft resolution A/64/L.63/Rev.1, as orally revised, was adopted by 122 votes to none, with 41 abstentions* (resolution 64/292).

[Subsequently, the delegations of Belize and the Philippines advised the Secretariat that they had intended to vote in favour; the delegation of Albania advised the Secretariat that it had intended to abstain.]

The Acting President: Before giving the floor to those representatives who wish to speak in explanation of vote on the resolution just adopted, may I remind members that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. Bianchi (Argentina) (*spoke in Spanish*): Argentina supports the progressive development of international human rights law, taking into account the fact that the main international human rights treaties in the areas of civil and political rights and of economic, social and cultural rights have become important pillars of the Argentinean legal order, having been raised to the constitutional level through the reform of the national Constitution in 1994. In this context, the importance of access to drinking water and basic sanitation services to protect human health and the environment have been recognized by many international documents that enjoy the support of Argentina.

Similarly, Argentina understands that it is one of the main responsibilities of States to guarantee its inhabitants the right to water as a fundamental aspect of guaranteeing the right to life and ensuring an adequate standard of living. As a consequence of that position, Argentina voted in favour of resolution 64/292. Nonetheless, Argentina maintains that the right to water and sanitation is a human right that every State must ensure for the individuals within its jurisdiction and not with respect to other States.

Mr. Løvold (Norway): Norway gives high priority to the right to water and sanitation, and we voted in favour of resolution 64/292. In General Comment No. 15 (2002) on the International Covenant on Economic, Social and Cultural Rights, it is stated that ensuring that everyone has access to adequate sanitation is not only fundamental to human rights, but is one of the principal mechanisms for protecting the quality of drinking water supplies and resources. Furthermore, the International Covenant on Economic, Social and Cultural Rights explains that measures to prevent, treat and control diseases linked to water, in particular ensuring access to adequate sanitation, are part of the core obligations under the right to water.

Norway regards the right to water and sanitation as being among the fundamental rights already recognized in existing human rights norms, such as the right to the possible highest standard of physical and mental health, the right to an adequate standard of living and the right to life. However, Norway regrets that it was not possible to achieve consensus on resolution 64/292 and the split this resolution has created. Nevertheless, we hope that this situation will not have a negative impact on the process on the issue in the Human Rights Council in Geneva and the future work of the Special Rapporteur.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): Guatemala welcomes the efforts made by the delegation of the Plurinational State of Bolivia and the other sponsors of resolution 64/292, as well as the flexibility shown even at the very last minute to come up with a text acceptable to the majority of countries. As a result, Guatemala would have preferred that the resolution be adopted by consensus, but we decided to vote in favour because we agree with its essence, if not with all of its specific content.

At the same time, we voted in favour of the resolution on the understanding that our recognition of the right to drinking water and sanitation is in accordance with our existing national legislation guaranteeing the effective management and governance of waters as goods and services in the aim of contributing to the maintenance of essential ecological processes, access to a safe and secure environment, economic growth, compliance with the Millennium Development Goals, and improved quality of life for the present and future generations of the people living on our national territory. Similarly, Guatemala understands that the adoption of resolution 64/292 will create no international or inter-State right or obligation.

Mr. Edrees (Egypt): I take the floor in explanation of vote on resolution 64/292, entitled "The human right to water and sanitation", just adopted as orally revised.

Egypt believes that all human rights are universal, indivisible, interdependent and interrelated, and must be treated globally in a fair and equal manner, on the same footing and with the same emphasis. In this light, Egypt voted in favour of the resolution, which focuses on the right to access to safe and clean drinking water and sanitation, based on the understanding that it does not create new rights or sub-categories of human rights different from those stipulated in the internationally agreed human rights instruments.

Egypt appreciates the dedication of the Plurinational State of Bolivia to this noble cause, and welcomes the efforts of the sponsors to take on board our major concerns. We also welcome the fact that the provisions of the resolution deal solely with this important issue, despite the shorter title, which we had sincerely hoped the sponsors would streamline to reflect the focus on the right to access to safe and clean drinking water and sanitation, in line with the provisions of the resolution itself.

Egypt believes that guaranteeing the full enjoyment of this basic human right is the obligation of all States towards all their citizens — a matter that reaffirms the need to concentrate on local and national perspectives in considering the issue at hand. This is surely dependent on the varying capacities of States, and as such is not expected in many instances to be achieved overnight or without the international cooperation necessary to support efforts to provide safe, clean, accessible and affordable drinking water and sanitation to all, particularly in developing countries.

We acknowledge the need, highlighted by many delegations during the course of the negotiations, to set aside controversial questions of international watercourse law and transboundary water. Egypt regrets that the resolution on this important issue was put to the vote, and is mindful that certain aspects of human rights obligations related to access to safe drinking water and sanitations have yet to be further studied, as pointed out in the report of the United

Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3).

However, we trust that the resolution will bring these issues to the forefront and provide added impetus to the efforts under way in Geneva to resolve them so as to achieve consensus in the near future.

Ms. Cavanagh (New Zealand): New Zealand takes this opportunity to explain its abstention in the voting on resolution 64/292.

New Zealand fully appreciates the importance of clean water and sanitation to development and the achievement of the Millennium Development Goals. We recognize that safe drinking water and sanitation are essential to good health. We wish to see progress in this area. However, we are concerned that the resolution was introduced before New Zealand and others had an adequate opportunity to fully consider its implications in terms of both our domestic and our international obligations.

We support the work of the Human Rights Council, and in particular of the independent expert, to clarify the content of human rights obligations related to access to safe drinking water and sanitation. New Zealand believes that the work of the independent expert raises issues that require further consideration by States.

Mr. Errázuriz (Chile) (*spoke in Spanish*): The delegation of Chile voted in favour of resolution 64/292, introduced by the delegation of the Plurinational State of Bolivia. We recognize the importance of drinking water and sanitation to human dignity and believe that the aim of the resolution is to promote compliance with the Millennium Development Goals with respect to water and sanitation.

In that regard, we understand that the resolution does not determine or prejudge the way in which States decide to administer water and sanitation, which are regulated by domestic legislation. Similarly, we interpret the recognition of the right to drinking water and sanitation strictly in the context of efforts to promote access to those vital resources, again subject to the domestic legislation of every State.

Mr. Goledzinowski (Australia): Access to water and sanitation is fundamental to the realization of a range of human rights. Globally, some two thirds of those without reliable access to clean water live in the Asia-Pacific region, and of our region's 3.8 billion people, over half do not have access to sanitation. Australia also acknowledges that access to water and sanitation is of critical importance to the achievement of the Millennium Development Goals. Therefore, Australia has increased development assistance for water and sanitation by $300 million in the past two years.

We appreciate the sincerity of the Plurinational State of Bolivia as the lead sponsor of resolution 64/292, and we respect Bolivia's commitment to this issue. Nevertheless, Australia has reservations about the process of declaring new human rights through a General Assembly resolution. In particular, we are concerned that the precise status and nature of such rights will be uncertain, and uncertainty makes consensus difficult. Of course, when we recognize new human rights, consensus is very important.

Australia supports the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation. We have followed with interest the progress of the independent expert's work in clarifying the content of rights related to access to water and sanitation.

Resolution 64/292 has now been adopted, but we would have preferred that the independent expert had been allowed to finalize her work before the introduction of a resolution so that her work on this subject could have been fully taken into account by the General Assembly.

Ms. Zamora (Costa Rica) (*spoke in Spanish*): Costa Rica joined the majority of the Members of our Organization with our vote in favour of resolution 64/292, but we would like to point out the reasons for our position and the procedural reservations that we still maintain.

In Costa Rica, access to water is an inalienable right and has been guaranteed as such by the Constitutional Court of the Supreme Court of Justice, which has also acknowledged the international developments in this area. As constitutional jurisprudence consistently indicates,

> "[t]he Court recognizes, as a part of the Constitutional Law, a fundamental right to drinking water, derived from the fundamental rights to health, life, the environment, food and

adequate housing, among others, as has been recognized as well in international instruments on human rights which are applicable to Costa Rica".

For our country, every State has the primary responsibility to guarantee its inhabitants access to water pursuant to the principle of social and intergenerational equity and solidarity. Costa Rica therefore supports the work on this issue being carried out in the Human Rights Council in Geneva, and in particular by the independent expert on the matter of human rights obligations related to access to water and sanitation. This process seeks to establish with greater clarity the content of human rights obligations, including the obligation to ensure non-discrimination with respect to access to drinking water and sanitation, specifically with the ultimate purpose of recognizing access to water and sanitation as a human right.

In this respect, my country would have liked to see more clearly reflected in the text of the resolution an acknowledgment of the work that is yet to be done to establish the content and scope of this right at the international level. Nevertheless, we understand that with the revision introduced, the resolution represents recognition by the General Assembly of the legal developments concerning this fundamental right in various international and national forums.

Costa Rica regrets the fact that this recognition was not adopted by consensus. The issue at hand is extremely important at a time when we are preparing to review the Millennium Development Goals. It is not advisable to stray from our goals; rather, we must devote ourselves to speeding up the implementation of the Goals related to access to water and sanitation and to carry the process begun in Geneva to a successful conclusion.

Mr. Ntwaagae (Botswana): I thank you, Sir, for giving me the floor to explain my delegation's position on resolution 64/292, which the Assembly has just adopted.

Though we fully recognize the importance of the provision of water and sanitation infrastructure in the context of the Millennium Development Goals, we regret that we were unable support the resolution in its present form. Botswana also regrets that such a vital resolution should have been subjected to a vote instead of being adopted by consensus. My delegation feels strongly that sufficient time should have been allowed for consultations and for the ongoing process in Geneva, under the auspices of the Human Rights Council, to take its full course. We also feel that the intended objectives of the resolution could be achieved through many ongoing multilateral initiatives, including the International Decade for Action, "Water for Life".

In Botswana, water is a precious natural resource. We are a country that has a semi-arid climate; we have highly unreliable rainfall; we experience recurrent droughts and high rates of evaporation due to extreme temperatures. Just to demonstrate the extent to which we attach importance to water, we have named our national currency "pula", which literally means "let there be rain". This is an expression which is also used as a form of national greeting or to signal public approval or consent.

Over the years, the provision of water in Botswana has been of utmost national priority. This is reflected in the consistently high rates of budget allocations for water and sanitation over the successive periods of our national development plan. It is on this account that my delegation abstained in the voting on this otherwise vital resolution.

Ms. Freedman (United Kingdom): The United Kingdom abstained in the voting on resolution 64/292 today for reasons of both substance and procedure. On substance, the United Kingdom does not believe that there exists at present sufficient legal basis under international law to either declare or recognize water or sanitation as free-standing human rights. Neither a right to water nor a right to sanitation has been agreed upon in any United Nations human rights treaty, nor is there evidence that they exist in customary international law.

The United Kingdom does believe that there is a right to water as an element of the right of everyone to an adequate standard of living. We also believe that inadequate sanitation has a negative impact on the protection of human rights, such as the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

On procedure, we are disappointed that this resolution cuts across and pre-empts the work under way in the Human Rights Council in Geneva on this very subject. We supported the Council's resolutions 7/22, which established the post of independent expert on the issue of human rights obligations related to

access to safe drinking water and sanitation, and 12/8 on human rights and access to safe drinking water and sanitation of October 2009. In view of the complexities of the issue at stake, the work in Geneva has been progressing in a careful and consensual manner, and it is unfortunate that this initiative today has pre-empted the outcome of this work.

The United Kingdom is very concerned about the impact that inadequate access to water and poor sanitation has on the full enjoyment of human rights. Furthermore, sanitation and drinking water underpin all aspects of human and economic development. If current trends continue, it is estimated that the Millennium Development Goal on sanitation may not be met globally until 2049. The United Kingdom takes this extremely seriously. We place a very high priority on providing the poorest people in the world with clean water and sanitation as part of achieving the Millennium Development Goals. Since March 2008, our bilateral programmes have delivered safe water to 2.7 million people in Africa and 3.1 million in South Asia and have helped 1.8 million people in Africa and 25.5 million people in South Asia gain access to basic sanitation. We are also actively striving, through our support to the Sanitation and Water for All initiative, to strengthen the global response in the sector, bringing together Governments, multilateral agencies and global civil society. We very much hope that September's summit on the Millennium Development Goals (MDGs) will provide much-needed attention and impetus to expedite progress on this and other related MDG targets. We simply regret that this initiative here today was not pursued with consensus in mind.

Mr. Suárez (Colombia) (*spoke in Spanish*): Colombia attaches special importance to the progressive improvement of access to drinking water and basic sanitation services. Our constitution and laws, as well as our national courts, have established a significant legal framework regarding the delivery of these services. Colombia voted in favour of resolution 64/292; it considers that, in spirit and in scope, it is an aspirational political declaration that, as it is not binding, creates no legal obligations for a State that differ from those established in treaties and other human rights instruments to which a State subscribes. Hence, Colombia will interpret the scope of the resolution in accordance with its constitution, obligations assumed under human rights treaties we have ratified and with national laws related to the matters covered in the resolution.

My delegation wishes also to make the following points. First, Colombia agrees with delegations that have expressed concern over the effect of the submission and adoption by the Assembly of a resolution on a matter that has been the subject of careful study and consideration in the Human Rights Council, in particular considering the high level of technical expertise and conceptual discussion that has characterized that specialized body's consideration of this issue. In that regard, my delegation hopes that the processes under way in the Human Rights Council will continue, in line with the appropriate technical and legal approach.

Secondly, my country notes that we did not agree with certain aspects of the consultation process. During that process, Colombia presented — in a constructive spirit and in line with solid legal arguments — a number of proposals that do not appear to be reflected in the final text, even though we heard no opposition from other States. My country does not know why the sponsors did not accept our proposals, and we regret that the limited opportunity to discuss this very important issue led to a vote having been taken on today's resolution, which sets an unfortunate precedent on international matters related to human rights and the internationally agreed development goals.

As to the content of the resolution, we note that the content of operative paragraph 1 does not clearly identify the basic components of the concept of the right to drinking water and sanitation. For instance, it does not define the scope of the right to drinking water and sanitation in terms including the uses to which the water will be put, the definition of its characteristics and the identification of the modalities or beneficiaries of services that would be covered under this right. Nor does it make reference to aspects of this right that should enjoy immediate protection, such as non-discrimination in access, as compared with those that should be promoted progressively, such as public services and various social rights.

Hence, we reaffirm that States should interpret the elements and characteristics of the right to drinking water and sanitation in conformity with obligations established in human rights instruments they have ratified and their various constitutional regimes, national legislation and relevant jurisprudence.

Moreover, we note that paragraph 1 defines the right to water and sanitation as "essential for the full enjoyment of life and all human rights". Here, it is Colombia's interpretation that the General Assembly's intention was to recognize the right to water and sanitation as a right derived from or viewed in connection with other rights, because the definition emphasizes its nature as an essential component in the enjoyment of the right to life and other rights.

Colombia's political constitution does not explicitly refer to the right to drinking water and sanitation. But the jurisprudence applied by our constitutional court in particular cases indicates that the right to water is a fundamental right only as it the water is for human consumption in connection with the enjoyment of the right to life in conditions of dignity and the right to health. That court has indicated too that the right to water is not protected when the water is intended for other activities on which human life, health or welfare do not depend. In its decisions, the court specified instances in which protection must be required of public authorities and individuals as regards proper, efficient and timely delivery of public sanitation services.

It is Colombia's understanding that the provision of drinking water and environmental sanitation services is among the services for which the State is responsible. Under our system, it is the State's duty to ensure the efficient delivery of public services to all of the country's inhabitants, taking account of the fact that such public services are subject to a legal regime established through legislation and that the State can deliver them either directly or indirectly through organized communities or through individuals. In all cases, it falls to the State to regulate, control and monitor these services.

Having said that, my delegation thanks the delegation of Bolivia for its initiative to bring this item to the General Assembly for discussion.

Mr. Gonnet (France) (*spoke in French*): France regrets that the Assembly was unable to adopt resolution 64/292, on the basic right to water and sanitation, by consensus. We welcome the progress made through the adoption of this text, with its recognition that the right to access to drinking water and sanitation is a universal right. We hope that the work under way in the Human Rights Council in Geneva will continue so that this right can be fully implemented.

France calls upon the international community to come together on this issue during the ongoing consideration of the implementation of the Millennium Development Goals, in particular during the September summit, and in the framework of the preparations for the sixth World Water Forum, to be held at Marseilles in March 2012.

Ms. Fujimoto (Japan): Japan appreciates the initiative that the Bolivian Government has taken, but it regrets that the right to safe and clean drinking water and sanitation was recognized through a vote. Japan knows that this is a profoundly important issue: since the 1990s Japan has been the world's largest donor in the water and sanitation sector. And Japan knows that the Human Rights Council has been considering this issue since 2006, as it has actively participated in the discussions in that body. Furthermore, Japan was among the sponsors of the Human Rights Council resolution on human rights and access to safe drinking water and sanitation.

But my delegation believes that such an important issue should be resolved by consensus, not a vote. It therefore deeply regrets that we did not have an exhaustive discussion on this right in order to reach consensus before action was taken. It is for that reason that Japan abstained in the vote on resolution 64/292.

My delegation will continue to engage in this discussion both in Geneva and in New York in order to reach consensus, and will continue to support the work of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. In this and other ways, my Government will spare no effort to achieve the Millennium Development Goals, including water and sanitation targets, in countries in need.

Mr. Lukiyantsev (Russian Federation) (*spoke in Russian*): The delegation of the Russian Federation voted in favour of resolution 64/292, prepared by the delegation of Bolivia and other delegations, on the human right to water and sanitation. We believe that this document raises important problems, in particular in light of the summit on the Millennium Development Goals to be held in September. We view it as a complement to the discussions under way in Geneva. At the same time, we draw attention to some shortcomings in the conceptual drafting of this right,

and we call on other States, regardless of the positions they took today, to continue discussions on this topic.

Mr. Gutiérrez (Peru) (*spoke in Spanish*): With respect to resolution 64/292 on the human right to water and sanitation that we have just adopted, I should like to make the following remarks on behalf of my country. Peru voted in favour of the resolution in the understanding that the guaranteed enjoyment of this right is subject to existing domestic legislation, spatial planning and the allocation of resources allowing for the exercise of this right.

Ms. Kok (Singapore): I have the honour to make this statement in explanation of vote after the voting. Singapore is a small island State with no natural resources, including water. Nonetheless, we cater to the needs of our population through a combination of means and mechanisms for the reliable delivery of this crucial resource. We thus support efforts to provide access to safe and clean drinking water and sanitation. This is the basis of our vote in favour of resolution 64/292.

At the same time, we believe that several issues need to be worked out with respect to this right — a process that can also proceed through the ongoing discussions in Geneva. For instance, clear definitions and the scope of Member States' obligations should be clarified. My delegation stands ready to contribute constructively in discussions.

Mr. De Bassompierre (Belgium) (*spoke in French*): Belgium voted in favour of resolution 64/292 because we recognize the fundamental principle of the right of access to water, which is enshrined in our national and regional legislation.

Belgium appreciates the sincerity of Bolivia and other sponsors in submitting this resolution. However, we regret the process by which it was developed, which did not favour the achievement of consensus on this key issue.

We fully support the mandate of the independent expert and the process under way in Geneva. Belgium also regrets that some important suggestions made by the European Union during the negotiations were not taken into account in the final text of the resolution. In particular, we express our reservations with respect to paragraph 2. Without wishing to minimize the role of the international cooperation in this area, which is an explicit priority of Belgium's cooperation and development policy, we underscore that the implementation of this right is above all the responsibility of individual States.

Mr. Tarar (Pakistan): I take the floor to give an explanation of vote after the voting on resolution 64/292. Pakistan voted in favour of the resolution.

We wish to reaffirm that States have the responsibility to ensure access to safe and clean drinking water and sanitation for its nationals. However, we should like to draw attention to practical limitations in achieving the ideals aimed at in resolution 64/292. These could only be progressively achieved by taking into account the particular context of developing countries like Pakistan vis-à-vis capacity limitations, financial limitations and access to natural resources.

Mr. De Klerk (Netherlands): The Netherlands abstained in the voting on the Bolivian resolution on the human right to water and sanitation, and I should like to explain our position.

The Netherlands recognized access to clean, affordable drinking water and adequate sanitation as a human right in 2008. The Netherlands attaches great importance to this human right. This is also reflected in our overall development efforts and in our output target for water and sanitation, which was formulated in 2005. The target is for Dutch assistance to help to provide safe water and improved sanitation to 50 million people by 2015. We are also a major donor to UNICEF's programme for water, sanitation and hygiene.

To ensure that priority is given to water and sanitation in the international debate, the Netherlands supports the Secretary-General's Advisory Board on Water and Sanitation. The Board has been instrumental in, for instance, promoting the International Year of Sanitation and in developing the Sanitation and Water for All initiative, which is an alliance of national Governments, donors, civil society organizations and other development partners that tries to increase political will and improve aid effectiveness by mobilizing and better targeting resources for water supply and sanitation.

Unfortunately, notwithstanding our support for water issues, the Netherlands was not in a position to vote in favour of resolution 64/292 for a number of reasons. First of all, the resolution puts insufficient

emphasis on the responsibility of Governments towards their own citizens to move progressively and as quickly as possible towards the full realization of the right to water and sanitation for everyone, with special attention to individuals and groups who have traditionally faced difficulties. If Governments fail to do so, citizens must be able to claim this right and hold the duty-bearers accountable. Resolution 64/292 neither encourages States to take this responsibility nor calls for redress mechanisms.

Secondly, the resolution refers to the work of the independent expert mandated by the Human Rights Council. The Netherlands considers it very important that her report (A/HRC/12/24) be used as input for further discussion during the Millennium Development Goals summit. Requesting the independent expert to do additional work at this stage, for which she is not mandated by the Human Rights Council, will infringe on her present mandate, which aims at inclusiveness and consensus. A new request from the General Assembly to the independent expert will not really benefit consensus on or the realization of the relevant human rights.

Thirdly, we firmly believe in the right to access to clean, affordable drinking water and good sanitation, and we underline that this right should be recognized as such. However, we are not happy with the ad hoc declaration of human rights by the General Assembly, even though we noted and appreciated the oral revision just introduced.

Finally, the resolution contains elements that unnecessarily politicize this important theme.

In conclusion, I should like to reiterate that the Netherlands acknowledges the importance of access to drinking water and good sanitation, and I should like to underline our willingness to support Governments in fulfilling their international obligations through development assistance. National development policies can be a starting point for turning human rights into plans and action.

Ms. Rovirosa (Mexico) (*spoke in Spanish*): Mexico voted in favour of resolution 64/292 as we believe that access to safe drinking water and sanitation is a matter of high priority and we share the spirit of the text presented by Bolivia and the other sponsors.

Mexico recognizes that access to safe drinking water and sanitation are part and parcel of the human right to an adequate standard of living and of the right to the enjoyment of the highest attainable standard of physical and mental health, as established, respectively, in article 25 of the Universal Declaration of Human Rights and articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. That is how we interpret the content of paragraph 1 of the resolution just adopted by the Assembly.

In Mexico, article 27 of our Constitution establishes the modalities for ownership of the land and water within the boundaries of our national territory. Mexico will continue to make every effort necessary to adopt progressive measures and, within the limits of our resources, to provide water and sanitation to that part of our population that does not have such services, as established in our national legislation in compliance with our applicable international obligations and in line with the Millennium Development Goals.

Mexico believes that it is up to national legal systems to enhance equitable access to drinking water and basic sanitation. The resolution must therefore be implemented nationally and in accordance with the applicable national legislation of every country.

Lastly, we believe that we must continue the in-depth discussion on this matter in a constructive manner and consistent with the processes under way in the Human Rights Council, which is the appropriate forum in which to move forward with this very important issue.

Mr. Feleke (Ethiopia): My delegation abstained in the voting on this resolution on the human right to water and sanitation, but not because Ethiopia believes that access to water for all human beings is neither a noble idea nor their natural right.

However, although the delegation of Ethiopia requested the inclusion of a paragraph taken from the Rio Declaration on Environment and Development of June 1992 —

> "[Reaffirming that] States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environment and

development policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."

— this was not considered during the consultations, and Ethiopia had to take this position today.

The Government of Ethiopia is of the view that the aforementioned paragraph should have been included in the resolution, as it reaffirms the sovereign right of all States to their own resources, which is consistent with the Charter of the United Nations and the principles of international law. We strongly believe that the right to water and sanitation cannot be seen in isolation, particularly without taking into account, in the first place, the rights of resource-poor countries, which deserve new consideration when negotiating the right or access to water or other related issues.

Mr. Normandin (Canada): By way of introduction, let me first say that Canada fully appreciates the vital importance of water for all, and this is why Canada supports countless initiatives around the world to ensure that people have access to safe drinking water and sanitation. This being said, with respect to the resolution we have just adopted, let me offer the following explanation of vote.

Canada takes its human rights obligations seriously, and before agreeing to be bound by new international obligations, Canada must ensure that it can meet those obligations domestically. During the period when Canada was a member of the Human Rights Council, we joined the consensus on resolution 7/22 of 2008, which established the mandate of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation to further study the issue. The work of the independent expert was expected to serve as a basis for Member States to consider, debate and delineate the basis, scope and content of any right to water and sanitation.

It is premature to recognize such a right without allowing States the benefit of full deliberations based on the independent expert's findings, their own internal processes and the agreement of States. The current non-binding resolution would appear to declare that there is a right to safe and clean drinking water and sanitation as a human right, but does not set out the basis, scope or content of the right, or the concomitant obligations of States with regard to this right.

The Government of Canada is of the view that a general right to safe and clean drinking water and sanitation is not explicitly codified under international human rights law, and there is currently no international consensus among States regarding the basis, scope and content of a possible right to water. It is premature to declare such a human right in the absence of a clear international consensus, and the lack of international consensus is exemplified by the fact that a vote was called on this resolution.

Canada recognizes that there are important human rights related to access to safe drinking water as a component of existing rights, and Canada will continue to meet its obligations in this regard. For all these reasons, Canada abstained in the voting on this resolution.

Mr. Vigny (Switzerland) (*spoke in French*): Switzerland supports the process aimed at promoting the right to water and access to sanitation for all, which we believe arises from the international instruments guaranteeing human rights. We would therefore like to send a positive signal to that end, which justifies our vote in favour although we were unhappy with the negotiating process for the text.

Indeed, we do not support a duplication of resolutions concerning water between the General Assembly and the Human Rights Council, as we believe that it weakens the consensus work under way in Geneva. Our hope is that, in the future, the countries that initiate these different resolutions will work together in a concerted fashion.

In addition, the negotiating process took place in a way that was not very constructive or transparent, thus preventing a consensus from being forged. Indeed, a number of countries, including Switzerland, proposed — unfortunately, to no avail — that paragraph 1 include a reference to international instruments that underpin the right to water and access to sanitation.

Switzerland also regrets that there is no reference in the resolution to the obligation of States to ensure enjoyment at the national level of the right to water and to promote access to sanitation.

Mr. Barriga (Liechtenstein): My delegation voted in favour of the resolution 64/292 because we agree with the central and general statement that the

right to water is a human right that is essential to the full enjoyment of life and all human rights. We do, however, regret that a vote had to be taken on this resolution, and we share the concerns about the process that others have expressed.

On substance, while we agree with the core message, we regret that the issue has been dealt with in a rather simplistic manner. To recognize the right to water and sanitation as a human right is in our view, in this context, nothing more and nothing less than an act of interpretation of existing human rights law. There is a limited number of human rights that are explicitly recognized in international treaties and customary law, and the right to water is not one of them. But these explicit rights do, of course, imply many more specific rights. This is also true for the right to water, even though its exact scope and content remain unclear in this resolution.

Most human rights are, furthermore, not absolute in nature and must be seen in the context of the law. This is particularly true for rights within the realm of economic and social rights, whose realization is, to some degree at least, subject to the availability of resources. Most importantly, the obligation to implement human rights falls first and foremost on each individual State. It is therefore our understanding that resolution 64/292 does not create any new right and that it must be seen in the context of wider human rights law.

Mr. Ndong Mba (Equatorial Guinea) (*spoke in Spanish*): At the outset, the delegation of Equatorial Guinea congratulates Bolivia on its initiative. We welcome the adoption of resolution 64/292 and the fact that there was no vote against the resolution.

Let us picture a remote place where people have nothing and live without resources. If we go there and leave them without water, and then return after a while, we will find them in the same situation. However, if we leave them with water, the situation of the population of that remote place will certainly have improved greatly.

That is why I believe that the adoption of this resolution is very significant, given the importance that my country and Government attach to water. We believe that it is a question of national sovereignty and that countries are very aware of that. That is why our Government is carrying out a vast national programme to provide water to the population, an issue that played a very important role at the national economic conference. That is why we would like to thank Bolivia and the sponsors of the resolution, and are pleased to have voted in its favour.

Mr. Mutahar (Yemen) (*spoke in Arabic*): At the outset, I would like to express my heartfelt condolences to the Government and people of Pakistan following this morning's airplane crash, which claimed 152 lives.

Yemen was a sponsor of resolution 64/292, entitled "The human right to water and sanitation". Given our belief that water is of great importance to human existence and life, since there can be no life at all on Earth without it, it is natural that access to water be considered a human right.

I will not parrot the representative of Bolivia's introduction of the resolution. Suffice it to note that during the first decade of this millennium, many reports have referred to the world water crisis. All of those publications have stressed that the shortage of water could be the greatest challenge of our time. I would simply reiterate the statement made by Maude Barlow — an expert in the field of water who received the 2005 Right Livelihood Award, known as the Alternative Nobel Prize, for her studies — to the effect that water will be the oil of the twenty-first century. This might even lead us to say that this is a time of thirst.

In conclusion, I would like to thank the members of the General Assembly who voted in favour of the resolution. We believe that this is a historic moment that represents a major step forward towards the September summit. We would have preferred, however, that the resolution be adopted by consensus.

Mr. Benítez Versón (Cuba) (*spoke in Spanish*): The adoption of resolution 64/292 marks a historic moment. For the first time, the United Nations has recognized the right to drinking water and sanitation as an essential human right.

The issue of water is at the very core of the survival of humankind. While we deliver speeches in this Hall, more than 884 million people on our planet have no access to sources of improved drinking water and 2.6 billion, including almost 1 billion children, have no access to improved sanitation services. Worst still, if we do not act quickly and effectively, in 2025

more than 3 billion people will suffer the consequences of a lack of water.

Cuba, which achieved the Millennium Development Goal concerning the use of drinking water in 1995, believes that access to water and sanitation is a fundamental human right. In reaffirming the sovereign right of every country to regulate water and all its uses and services within its own territory, we believe it important for States to strive at all levels to implement this right for their inhabitants. Developing countries need the support of the international community in order to achieve these goals.

The internationalization of the problem of water makes it crucial for the United Nations to become the main forum for discussing and reaching agreements on water and sanitation. That is why Cuba welcomes today's adoption by the General Assembly, the universal representative body, of this important resolution by a wide a majority, following a lengthy negotiating process marked by transparency and inclusiveness. The text that we have adopted takes into account proposals made by various delegations and strikes a suitable balance. The resolution does not contradict or prejudge in any way, but rather complements and strengthens the discussion on the issue of water and sanitation that is currently under way in the Human Rights Council. The resolution allows us to focus effectively on the consequences and impact of the lack of drinking water and sanitation on the attainment the Millennium Development Goals.

In conclusion, I should like to convey the appreciation and gratitude of Cuba to the Plurinational State of Bolivia for its leadership in this area. That brotherly country took the initiative to promote a debate on this important matter in the General Assembly, and its tireless efforts were key to enabling the adoption of this historic resolution, which Cuba welcomes.

Mrs. Rubiales De Chamorro (Nicaragua) (*spoke in Spanish*): Nicaragua welcomes the adoption of resolution 64/292 today, which recognizes the human right to drinking water and sanitation as a human right essential to the full enjoyment of life. We welcome the adoption of this historic milestone, after more than 15 years of debate at the global level, thanks to the initiative of the brotherly people and Government of the Plurinational State of Bolivia, which also endeavoured, with a conciliatory spirit, to reconcile the positions of those countries that still find it difficult to recognize the human right to water.

The adoption of this resolution is all the more important in the light of the upcoming review of the status of implementation of the Millennium Development Goals.

Some 884 million people lack safe drinking water and more than 2.6 billion people do not have basic sanitation. Every year, approximately 1.5 million children under the age of five die, and 443 million school days are lost as a result of diseases linked to water and sanitation. We cannot continue to neglect this issue.

Access to water and sanitation is essential to the health and dignity of all people around in the world. This resolution has been adopted at a crucial moment as the world is also facing the impact of climate change. The insufficient and inadequate provision of safe drinking water represents an ongoing problem for the health of the world population. Some 80 per cent of all cases of disease in the developing world are caused by the lack of clean water and adequate sanitation, making it one of the leading causes of illness and death, especially among children.

Nicaragua thanks those Member States that, having grasped this reality, voted with us in favour of this historic resolution.

Mr. Escalona Ojeda (Bolivarian Republic of Venezuela) (*spoke in Spanish*): At the outset, we wish to thank the Plurinational Republic of Bolivia for its initiative and its leadership. We should also like to thank all the States that have spoken in favour of resolution 64/292.

Today we have seized the opportunity to provide an adequate response to the 1.2 billion people who currently do not have access to safe drinking water and to the approximately 2.4 billion people who lack adequate sanitation services. We have also taken an important step to reduce the number of people, currently more than 3 million, who die each year from diseases kinked to the lack of safe drinking water.

In the process of negotiating the resolution, we considered the importance of valuing water as a source of life — and, indeed, as life itself. It is no coincidence that water constitutes two-thirds of our planet and that the same proportion can also be seen in the composition of the human body. Without water, life on

Earth would be impossible. That is why we reject all attempts to turn water into commodity, as bargaining with the life of humankind and of the planet could result in water, instead of nourishing peace, becoming an element of violence.

The international community must ensure the right to water of the millions of persons, the majority of whom are in developing countries, who lack safe drinking water and thereby ensure their right to life and to human dignity, based on the fact that access to water services is fundamental to the enforcement of the right to health and the prevention of countless diseases that primarily affect the poor. All forms of discrimination represent an attack on life, but discrimination based on setting market prices for access to water is not only economic discrimination, but a violation of the right to exist.

The right to water is fundamental to peace, democracy and a society free of disease and suffering.

Mr. Zeidan (Palestine): Palestine welcomes the adoption by the General Assembly today of the important resolution 64/292 on the human right to water and sanitation. We thank the sponsors and express our appreciation of the efforts of Ms. Catarina de Albuquerque, the United Nations independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, especially with regard to the further elaboration of standards.

Palestine affirms that the right to safe and clean drinking water and sanitation is a universal human right that is essential to the full enjoyment of the right to life and human dignity, and to which all peoples are entitled, including people living under foreign occupation. Palestine affirms its respect for the United Nations Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the relevant provisions of international humanitarian law and human rights law.

That water is a priority issue for Palestine is reflected in the fact that it is actually one of the core final status issues that must be justly and comprehensively resolved for a lasting resolution of the Israeli-Palestinian conflict. For Palestine, the scarcity of water has been compounded by the exploitation and diversion of water resources by Israel, the occupying Power, in addition to its contamination and destruction of water and sanitation systems during military assaults on the occupied Palestinian territory. Israel's illegal colonization by means of the wall and settlements in the West Bank, including East Jerusalem, has also entailed the seizure and obstruction of access to aquifers, further reducing the water supply available to the Palestinian civilian population.

Israel's violation of the Palestinian people's right to water negatively impacts many other human rights, including their rights to food, to health, to livelihood and to development. A brief glimpse at the many troubling statistics in this regard reveal that the Palestinian people are allotted only 10 per cent of the water extracted from their own land and that they must actually purchase from Israel water that has been exploited from the Palestinian territory. In the Gaza Strip, only 5 to 10 per cent of water resources are of drinkable quality, with the remaining 90 per cent unfit for human consumption due to sewage and seawater infiltration. Daily per-person water consumption falls below World Health Organization minimum guidelines. Israel continues to hamper Palestinian development of essential water and sanitation infrastructure to this day. Today, Palestine reiterates its call on Israel to comply with its obligation to respect the right to water, in addition to the need for its compliance with all of its other obligations under international law.

Palestine looks forward to the implementation of resolution 64/292, including the call for assistance to help countries in need to gain the capacity and technology to provide safe, clean, accessible and affordable water and sanitation for all.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 48.

The meeting rose at 12.20 p.m.